

AUG 02 2013

David J. Bradley, Clerk of Court

A091 (Rev. 8/01) Criminal Complaint

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

V.

Joanna Laurretta DE LA CRUZ

David ANAYA

CRIMINAL COMPLAINT

Case Number: C-13-934M

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 7/31/2013 in Brooks County, in the

(Date)

Southern District of Texas defendants, Joanna Laurretta DE LA CRUZ & David ANAYA

each aiding, abetting and assisting one another, did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324.

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

Official Title

See Attached Affidavit of ICE Special Agent

Anne McGee

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

AMM-Sa
Signature of Complainant

Anne McGee
Printed Name of Complainant

Sworn to before me and signed in my presence,

August 2, 2013 at 1:50 pm
Date

at

Corpus Christi, Texas
City and State

Jason B. Libby, U.S. Magistrate Judge
Name and Title of Judicial Officer

[Signature]
Signature of Judicial Officer

AFFIDAVIT

On July 31, 2013, Border Patrol Agents BPAs assigned to the Falfurrias Border Patrol encountered a gray 2007 Nissan Sentra displaying Texas temporary plates 56W7164 as it approached the primary lane for an immigration inspection. BPAs observed two occupants in the vehicle as they conducted an immigration inspection of the occupants.

A BPA and service canine conducted a non-intrusive free air sniff of the vehicle. BPAs asked the driver (later identified as David ANAYA) if he was a United States Citizen and he (ANAYA) responded, "Yes." BPAs then questioned the front seat passenger (later identified as Joanna Laurretta DE LA CRUZ) if she was a United States Citizen and she responded, "Yes." BPAs then asked the driver (ANAYA) where they were going and he stated to Houston, Texas.

The BPA canine handler advised other agents that his dog alerted to the vehicle. At this time, BPAs asked ANAYA to drive his vehicle over to the secondary inspection area so that they could further inspect the vehicle and he replied "OK". At secondary the BPA canine handler and his dog conducted a systematic search of the vehicle. During the search, the dog alerted to the trunk of the vehicle. BPAs opened the trunk of the vehicle and discovered a person (later identified as Jose Adolfo Argueta-Hernandez) hidden in a natural void in between the back seat and the trunk. BPAs also discovered a pair of shoes in DE LA CRUZ's purse.

At this time, the ANAYA, DE LA CRUZ and Argueta were placed under arrest and were escorted inside the USBP Checkpoint for further processing. An immigration inspection was performed on Argueta and he was determined to be a national of El Salvador illegally present in the US.

In a subsequent interview, HSI SA Agustin Olivarez clarified

PRINCIPAL STATEMENTS (Joanna DE LA CRUZ)

BPA advised DE LA CRUZ of her miranda rights to which she acknowledged understanding. DE LA CRUZ refused to make a statement without an attorney and no further questions were asked.

PRINCIPAL STATEMENTS (David ANAYA)

BPA advised ANAYA of his miranda rights to which he acknowledged understanding and agreed to make a statement without an attorney present. In substance, ANAYA stated:

He had no knowledge of a person being in the trunk of the vehicle. ANAYA said he placed the luggage in the tuck but didn't notice anyone in there. ANAYA and his

girlfriend (DE LA CRUZ) had recently purchased the vehicle and were both driving to Houston, Texas.

MATERIAL WITNESS STATEMENT

BPA advised Jose Adolfo Argueta-Hernandez of his miranda rights to which he acknowledged he understood and agreed to make a statement without an attorney present. In substance, Argueta stated:

Argueta admitted he was a national of El Salvador who illegally entered the US on or about July 26, 2013, near Reynosa, Mexico, by crossing the Rio Grande River in a raft. Argueta was brought to a stash house in an unknown city and kept there for approximately five days along with about fifty other people. Argueta was then taken to a different stash house with a female where he stayed for 10 or 15 minutes.

Two vehicles arrived at the stash house and he was directed to get into a gray vehicle and to take off his shoes. Argueta took his shoes off and gave them to a lady who was with the vehicle that was going to transport him. Argueta got in the back seat and she proceeded to put the shoes in her purse.

Argueta got in the back seat and traveled toward the checkpoint. About twenty minutes before arriving at checkpoint the driver (ANAYA) directed Argueta to get in between the backseat and trunk space. Argueta proceeded to get into the backseat/trunk space where he was discovered hidden by Border Patrol Agents at Falfurrias, Texas.

Argueta was presented a photo lineup and he positively identified DE LA CRUZ as the woman smuggler whose purse his shoes were placed in and was the passenger of the vehicle he was discovered.

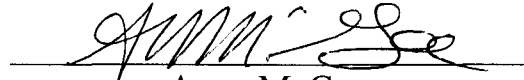
Argueta was presented a photo lineup and he positively identified ANAYA as the male smuggler and driver of the vehicle in which Argueta was discovered.

HISTORICAL CASES

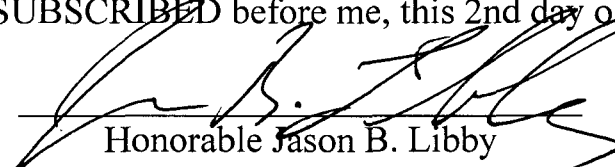
On July 7, 2010, BPAs from the McAllen station encountered Joanna DE LA CRUZ near the Rio Grande River near Hidalgo, TX. As BPAs made contact with the vehicle DE LA CRUZ was driving, two unidentified people ran from the car. During interview, DE LA CRUZ admitted to attempting to transport two undocumented aliens (UDA)s to a store. Upon dropping the UDAs at the store, DE LA CRUZ was going to be paid and unknown amount. This case was processed administratively and no further action was taken.

On July 27, 2013, BPAs from the Falfurrias Checkpoint encountered DE LA CRUZ as a passenger of a vehicle transporting two (2) UDAs. This case was processed administratively and no further action was taken.

On August 1, 2013, HSI Special Agent contacted the US Attorney's Office in Corpus Christi, TX, regarding the investigation. AUSA Jeff Preston was informed of the case findings and accepted prosecution of DE LA CRUZ and ANAYA for violating 8 USC 1324 (Alien Smuggling). Argueta was held as a material witness in the case.


Anne McGee
Special Agent
Homeland Security Investigations

SWORN AND SUBSCRIBED before me, this 2nd day of August, 2013.


Honorable Jason B. Libby
United States Magistrate Judge